

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

ROBERT L. SALIM,	*	CIVIL ACTION NO. 1:19-cv-00442
<i>Plaintiff</i>	*	
VERSUS	*	
	*	JUDGE DEE D. DRELL
	*	
LOUISIANA HEALTH SERVICE & INDEMNITY CO	*	
<i>Defendant</i>	*	MAGISTRATE JOSEPH H. L. PEREZ-MONTES

* * * * *

JOINT STIPULATION

Plaintiff Robert L. Salim and Defendant Louisiana Health Service & Indemnity Company, d/b/a Blue Cross and Blue Shield of Louisiana (“BCBSLA”), in compliance with this Court’s ERISA Case Order (Doc. 19), present the following joint stipulation:

- A. ERISA governs the employee health benefit plan established by Robert L. Salim, APC (“the Plan”) provided to employees of Robert L. Salim, APC, group number XXXX1ERC.
- B. ERISA preempts all state law claims related to the Plan.
- C. The Plan vests the plan administrator with discretionary authority to determine eligibility for benefits and construe the terms of the Plan. Article XX, page 73, of the Plan defines the administrator’s authority to determine eligibility benefits and/or to construe or interpret the terms of the Plan as follows:

**Article XX. GENERAL PROVISIONS –
GROUP/POLICYHOLDER AND MEMBERS**

* * *

A. The Benefit Plan

* * *

4. The Company [BCBSLA] has full discretionary authority to determine eligibility for Benefits and/or to construe the terms of this Benefit Plan.

This stipulation will not be binding on the parties as to the appropriate standard of review which will be applied to the merits of the case. That determination will be made by the Court after submission of briefs from the parties on the merits which shall specifically address this issue.

Respectfully submitted:

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